



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC ISSUES DIRECT FINAL RULE MODIFYING REQUIREMENTS FOR NUCLEAR POWER PLANT DECOMMISSIONING TRUST FUNDS

The Nuclear Regulatory Commission is amending regulations regarding decommissioning trust provisions for nuclear power plants to clarify the agency's intentions and correct administrative errors in a final rule published last year.

The agency is issuing a direct final rule to make immediate corrections in the final rule published December 24, 2002, in the *Federal Register*, which established objectives and criteria for decommissioning trust agreements. That rule required licensees that are no longer rate-regulated, or who no longer have access to government-mandated fees for decommissioning, to have decommissioning trust agreements in a form acceptable to the NRC in order to increase assurance that an adequate amount of decommissioning funds will be available. The rule is to become effective December 24, 2003.

Changes imposed in the direct final rule to be published shortly in the *Federal Register* will clarify that payments for administrative expenses incurred by trust funds do not require notification to the NRC. The direct final rule also clarifies that licensees will have the option to retain their existing license conditions relating to decommissioning trust agreements. Finally, the changes clarify that decommissioning trust funds are not to be invested in other companies that own nuclear power plants.

Because the NRC considers this action non-controversial and routine, the agency is using the direct final rule procedure rather than the lengthier, standard rulemaking process. However, if the NRC receives significant adverse comments within 30 days of the direct final rule's publication in the *Federal Register*, the NRC will publish a document that withdraws this action and will address the comments in a subsequent final rule.

Comments may be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. Comments may also be submitted online through the NRC's interactive rulemaking site at <http://ruleforum.llnl.gov>.

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